

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re : Chapter 7

JAMUNA REAL ESTATE, LLC : Bankruptcy No. 04-37130  
UNITED MANAGEMENT SERVICES, INC. : Bankruptcy NO. 04-37132  
BAGGA ENTERPRISES, INC. : Bankruptcy No. 04-37136

Debtor(s) :

MARVIN KRASNY, IN HIS CAPACITY AS :  
CHAPTER 7 TRUSTEE OF UNITED :  
MANAGEMENT SERVICES, INC.; :  
MARVIN KRASNY, IN HIS CAPACITY AS :  
CHAPTER 7 TRUSTEE OF JAMUNA REAL :  
ESTATE LLC; GARY SEITZ, IN HIS :  
CAPACITY AS CHAPTER 7 TRUSTEE OF :  
BAGGA ENTERPRISES, INC. AND FL :  
RECEIVABLES TRUST 2002-A :  
Plaintiffs :

v. :

PRATPAL BAGGA; KHUSHVINDER BAGGA; :  
RAVINDER CHAWLA; HARDEEP CHAWLA; :  
WELCOME GROUP, INC.; K&P REAL :  
ESTATE LLC; WORLD APPAREL PRODUCTS, :  
INC. D/B/A/ SJM TRADING COMPANY, :  
D/B/A TEN TIGERS; AMERICAN :  
MERCHANDISE CO., INC., A/K/A :  
AMERICAN MERCHANDISING CO., INC.; :  
21<sup>ST</sup> CENTURY RESTAURANT SOLUTIONS, :  
INC.; BRAND TRADE, INC.; H.B. :  
PROPERTIES, INC.; H.B. PROPERTIES : Advs. No. 06-128  
LLP; SANT PROPERTIES; JOHN AND : Advs. No. 06-129  
JANE DOES AND ABC COMPANIES : Advs. No. 06-130  
Defendants :

---

**ORDER**

AND Now, upon consideration of *Plaintiffs' Motion for Reconsideration of the Order of the Order of the Court Granting the Chawla Defendants' Motion for Partial Summary Judgment and for Leave to File an Amended Complaint*, the Answer in opposition thereto, and after

hearing thereon April 22, 2008, it is hereby:

**ORDERED**, that for the reasons set forth in the attached Opinion, the Plaintiffs' Motion for Reconsideration shall be and hereby is denied; and it is further:

**ORDERED**, that for the reasons set forth in the attached Opinion, the Plaintiffs' Motion for Leave to Amend will be granted only in part, and as follows:

**Counts I and II (RICO and Conspiracy):**

The Trust's request for leave to amend the Complaint to replead the claims which were dismissed by the Court's February 6, 2008 ruling is denied; the Trust's RICO claims are limited to harm alleged to have been *directly* suffered by it. The Bankruptcy Trustees' request for leave to amend to plead RICO and RICO Conspiracy claims is denied;

**Count IV (Fraudulent Transfer):** Leave will be granted to amend the Complaint as proposed.

**Count IX (Fraud, Conspiracy to Commit Fraud):** Leave to amend the Fraud Count will be denied; however, leave will be granted to plead a cause of action for conspiracy to commit fraud as to Pratpal Bagga and Ravinder Chawla.

**Counts X and XV (Alter Ego):** Leave to amend these Counts will be denied.

**Counts XI and XIII (Breach of Fiduciary Duty):** Leave to amend these Counts will be denied.

The Plaintiffs' **request for clarification** is denied.

By the Court:



---

Stephen Raslavich  
Chief U.S. Bankruptcy Judge

Dated: July 22, 2008

Interested Parties:

George Conway, Esquire  
Office Of The U.S. Trustee  
833 Chestnut Street  
Suite 500  
Philadelphia PA 19106

Counsel for Plaintiffs

Lawrence J. Tabas, Esquire  
OBERMAYER REBMAN MAXWELL & HIPPEL LLP  
One Penn Center, 19<sup>th</sup> Fl.  
1617 JFK Blvd  
Philadelphia, PA 19103

Patrick Fitzmaurice, Esquire  
Christopher F. Graham, Esquire  
THATCHER PROFFIT & WOOD LLP  
50 Main Street  
White Plains, NY 10606

Counsel for Defendants

Richard M. Simins, Esquire  
Paul C. Madden, Esquire  
Jeffery M. Carbino, Esquire  
BUCHANAN INGERSOLL & ROONEY PC  
1835 Market Street, 14<sup>th</sup> Fl  
Philadelphia, PA 19103-2985

Andrew Teitelman, Esquire  
380 Red Lion Road, Ste 202  
Huntingdon Valley, PA 19006

Nancy Mulvehill, Courtroom Deputy to Judge Raslavich